Remarks

The final Office Action dated March 5, 2009 has been carefully considered. Claims 1, 7, 9, and 12 have been amended. No new matter has been added to the amended claims. The Attorney for the Applicants wishes to thank Examiner Winkler for the helpful telephone conversation on April 23, 2009 regarding the application. Reconsideration of the current claims in view of the amendments and remarks is respectfully requested.

Claim Rejections

In the Office Action, claims 1-3, 5, 6, 8-10, 12-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,985,434 to Qin et al. in view of WO 00/52087 (US 6,750,262) to Hähnle et al. As set forth below, Qin et al. in view of Hähnle et al. fails to disclose the present invention as set forth in the current claims, and the invention of Qin et al. would not be effective if the foam therein contains 15wt% water or less as set forth in the present claims.

Qin et al. discloses at col 10 lines 40-43 that it is important to control the concentration of the polymer in the solution to achieve absorbent foam that exhibits the desired properties. Qin et al. discloses at col 10 line 66 to col 11 line 3 that the amount of polymer is from about 0.1 to about 30wt% polymer. The remainder of the solution is solvent which is from 70 to 99.9wt%, wherein the solvent includes at least about 30wt% water, col 10 line 25. This means that the absorbent foam must include at minimum 21wt% of water for the absorbent polymer to have the desired properties as set forth in Qin et al.

Therefore, Qin et al. discloses that for absorbent foam to achieve the desired properties set forth in Qin et al., the absorbent foam must contain at least 21wt% water. Hence, Qin et al. discloses that the content of water is adjusted to 21wt% or more to achieve the desired properties of the absorbent foam disclosed therein. It must be concluded from statements disclosed in Qin et al. that one skilled in the art would read Qin et al. to say that absorbent foam containing 15wt% water will not exhibit the desired properties required by Qin et al. Combining Qin et al. and Hähnle et al. to have an absorbent foam having 15wt% water would not have the desired properties of Qin et al. according to the disclosure of Qin et al. Hence, it would not be obvious to a person of ordinary skill in the art to adjust the water content to not more than about 15wt% in the foam because Qin et al discloses that the absorbent foam would not have the desired properties.

In addition to the foregoing, according to amended claim 1, the aqueous composition (A) is foamed by mechanical action or by the dispersion of an inert gas in the form of fine gas bubbles. Support for this amendment can be found on page 14, lines 16-26. Preparing the foamed aqueous composition by means of mechanical action or the dispersion of an inert gas instead of a process wherein the aqueous composition is frozen, as defined by Qin et al., has the advantage that a foamed composition is obtained which is not solid, but which can be applied onto a surface by spread-coating, knife application or pouring (page 19 lines 17-29). Such a non-solid foamed composition can also be applied to the surface of the substrate in defined areas, for example by the use of templates or screens (page 19, line 31 to page 20, line 7). The frozen, solid compositions disclosed in Qin et al., however, can not be easily applied to surfaces using such coating process.

Qin et al. discloses that it is essential for the preparation of the absorbent foam to freeze the polymer or monomer solution below the freezing point (col 9, lines 51-64) such that the solvent is in a state of a solid phase (col 12, lines 8-11) and wherein the polymer and the crosslinking agent, if present, form an essentially continuous matrix which will become substantially encased by the frozen solvent, forming an essentially uniform bicontinuous structure (col 12, lines 14-24). In addition, the Qin et al. process necessarily needs a suitable vacuum to sublime the frozen solvent (col 13, lines 43-56) forming a polymeric matrix to achieve a foam structure (col 14, lines 6-10). Accordingly, the foamed structure disclosed by Qin et al. is formed by freezing an aqueous polymer composition and subsequently subliming the water out of this frozen composition.

In view of the foregoing remarks, it is requested that the rejection of claims 1-3, 5, 6, 8-10, 12-14, and 16-18 under 35 U.S.C. 103(a) as being unpatentable over Qin et al. in view of Hähnle et al. be withdrawn.

In the Office Action, claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,985,434 to Qin et al. in view of WO 00/52087 to Hähnle et al. As set forth above, the absorbent foam of Qin et al. would not have the desired properties as set forth therein when the water content is reduced to 15wt% or less as required by the current claims. In view of the foregoing remarks, it is requested that the rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Qin et al. in view of Hähnle et al. be withdrawn.

Conclusion

In light of the amendments and remarks presented herein, Applicants submit that the present application is in condition for allowance, and such action is respectfully requested. If, however, any issues remain unresolved, the Examiner is invited to telephone Applicants' counsel at the number provided below.

Respectfully submitted,

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